HONOURABLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.16347 of 2005

Dated: 26-07-2005

Between:

J.Mahalakshmamma .. Petitioner

And

1. Gudivada Municipality, rep. by its Commissioner

and two others. .. Respondents.

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HONOURABLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.16347 of 2005

ORDER:

The petitioner in effect seeking a direction to the respondents 1 and 2 to demolish the unauthorized construction of the 3rd respondent in premises bearing No.9-356, Santhinagar, Gudivada, Krishna District, by way of filing this Writ

Petition.

2. The case of the petitioner is that she is the owner of house bearing DR.No.9-369, situate at Santhinagar, Gudivada; that the 3rd respondent, violating the set back requirements as per the building by-laws and resorting to commission of serious deviations from the sanctioned plan, constructed the balcony to the building complex which is being caused serious hardship to the petitioner. To that effect, he made a representation dated 12-07-2005, before the 1st respondent-Gudivada Municipality. But, no action has been taken by the 1st respondent. Aggrieved by the same, the present Writ Petition has been filed.

3. The learned counsel for the petitioner submits that since the representation of the petitioner is pending before the 1st respondent, appropriate decision has to be taken by the 1st respondent, therefore, he beseeched the Court to give a direction to the 1st respondent to consider the representation of the petitioner.

4. In the circumstances, I deem it consider to dispose of the Writ Petition with certain direction.

5. Accordingly, the Writ Petition is disposed of with a direction to the 1st respondent-Gudivada Municipality to consider the representation, dated 12-07-2005, submitted by the petitioner, within a period of two weeks, from the date of receipt of a copy of this order and pass appropriate orders in accordance with law, after affording reasonable opportunity to the effected parties. No costs.

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July 26, 2005

Kvr